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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,466	07/25/2006	Masahiro Takatori	MAT-8879US	2008

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EXAMINER

VANDERHORST, MARIA VICTORIA

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3688

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,466	Applicant(s) TAKATORI, MASAHIRO	
	Examiner M. VICTORIA VANDERHORST	Art Unit 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-14 and 22-28 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/02/2007 and 07/25/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to application No. 11/587,466, filed on 01/26/2005
Claims 1-14 and 22-28 are currently pending and have been examined. Claims 1-14
and 22-28 have been rejected as follow

Election/Restrictions

1. Applicant's election without traverse of claims 1-14 and 22-28 in the reply filed on 8/3/2010 is acknowledged.
2. Claims 15-21 and 29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected digital broadcast system for broadcasting a digital television broadcast, the system provides the user with services corresponding to the points, there being no allowable generic or linking claim. Election was made **without traverse** in the reply filed on 8/3/2010.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

As to claim 12, it contains the acronym "OSD". Acronyms must be defined in plain terminology within the claim before the acronym can be used. The term "OSD" is also not defined anywhere in the specification. The examiner interprets the acronym

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“ODS” as on-screen display technology as known in the art. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US. PG. Pub. No. 2005/0110909 (STAUNTON) in view of PG. Pub. No. 2003/0208758 (SCHEIN).

As to claim 1, STAUNTON discloses a television receiver for receiving a digital television broadcast (abstract, paragraphs 001, 0006 and 0009) comprising:

An inherent information memory unit for storing inherent information accessible by a broadcaster (paragraphs 00017, 0020 and 0021);

a control unit to execute control for enabling one or more other software programs to use the obtained information associated with the inherent information accessible by the broadcaster (Fig 2, paragraphs 0022, 0023 and 0053).

But, STAUNTON does not expressly disclose a software program receiver unit for receiving a software program, the software program obtaining information from the inherent information memory unit.

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However, SCHEIN discloses an interactive computer system which provides television schedule and/or listing information (paragraph 0007). Further, SCHAIN discloses that his system comprises a receiving software program, "...At step 270, disk input 18 is used to provide hard drive 14 with the software needed for receiving, organizing and displaying data which provides the system's television schedule guide..." (paragraphs 0007, 0029 and 0047)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate SCHEIN's teachings into the system of STAUNTON. One would have been motivated to provide loyalty information along with program information to a software program in order to increase potential business.

As to claim 2, STAUNTON and SCHEIN disclose a system as in claim 1 above, and further STAUNTON discloses:

a common information memory unit for storing common information (paragraph 0020 and claim 10 of STAUNTON's reference); and

a control unit which uses the software program for obtaining package information by using the inherent information and executes control for obtaining and storing the package information in the common information memory (see at least, paragraphs 0006, 0026 and 0032).

As to claims 3 and 22, STAUNTON and SCHEIN disclose a system as in claims 1 and 2 above, and further STAUNTON discloses wherein the inherent information includes points and program viewing record information (paragraph 0020).

As to claim 12, STAUNTON and SCHEIN disclose a system as in claim 1 above. But STAUNTON does not expressly disclose
an input unit for inputting instructions from the user; and
an OSD display means for displaying an operation screen for the user,
wherein the OSD display means displays the inherent information included in the package information.

However, SCHEIN disclose an input device, (paragraphs 0006 and 0032).
Computer accessory with OSD (on-screen display), (paragraph 0044).

6. Claims 4-5, 8-11, 13-14, 23-24, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US. PG. Pub. No. 2005/0110909 (STAUNTON) in view of PG. Pub. No. 2003/0208758 (SCHEIN) and in view of US Patent No. 6,539,548 (HENDRICKS)

As to claim 8, STAUNTON and SCHEIN disclose a system as in claim 2 above.

But STAUNTON does not expressly disclose comprising a terminal ID memory for storing terminal ID that is inherent ID of the television receiver,

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wherein the software program for obtaining package information by using the inherent information produces the package information out of the inherent information and the terminal ID.

However, HENDRICKS discloses an Operations Center for television entertainment systems that provide television programming to consumer homes is disclosed. The Operations Center organizes and packages television programming and program information for delivery to and from consumer homes. The Operations Center includes a computerized packaging system for creating a program control information signal (abstract).

Further, HENDRICKS discloses in FIGS. 6a and 6b, particularly FIG. 6a, show a data format 920 for a television package. "...this frame format consists of six fields, namely: (1) a leading flag 922 at the beginning of the message [*header*], (2) an address field 924 (3) a subscriber region designation 926, (4) a set top terminal identifier 928 [*terminal ID*] that includes a polling command/response (or P/F) bit 930, (5) an information field 932, and (6) a trailing flag 934 at the end of the message ...", Col. 21:36-46.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate HENDRICKS's teachings into the system of STAUNTON and SCHEIN. One would have been motivated to provide packeting of data in order to support a loyalty or marketing program.

As to claims 4 and 23, STAUNTON and SCHEIN disclose a system as in claims 1 and 2 above further STAUNTON discloses

wherein the inherent information memory unit has a second sole region for downloading and storing the software program for obtaining package information by using the inherent information, and the control unit executes control for downloading and storing the inherent information in a first sole region in the inherent information memory unit

(STAUNTON teaches, “..digital TV broadcast...data streams”, paragraph 0017.

Further, STAUNTON teaches, “...memory for storing the points...”, see at least paragraphs 0020, and 0021)

Next, STAUNTON discloses a second sole region (STAUNTON teaches that the television receiver apparatus in his solution, comprises a STB(set-top box), paragraph 0039. The Examiner notes that is inherent that a set-top box technology comprises memory to store the data stream (see at least paragraphs 0012, 0029 and 0032, and Fig. 2).

for downloading and storing the software program for obtaining package information (paragraph 0020).

As to claims 5 and 24, STAUNTON and SCHEIN disclose a system as in claims 5 and 23 above further STAUNTON discloses

wherein the software program for obtaining package information by using the inherent information includes conditional access software

(STAUNTON teaches, "...memory for storing the points...", see at least paragraphs 0020, and 0021.

Further, STAUNTON discloses gambling activity in the form of questions regarding to a TV program which the user is watching, it is inherent that the software of STAUNTON's solution includes conditional logic functionality see at least paragraph 0023)

But, STAUNTON does not expressly disclose the inherent information includes conditional access software ID that is inherent ID of the conditional access software.

However, HENDRICKS discloses in FIGS. 6a and 6b, particularly FIG. 6a, show a data format 920 for a television package. "...this frame format consists of six fields, namely: (1) a leading flag 922 at the beginning of the message [*header*], (2) an address field 924 (3) a subscriber region designation 926 [*conditional access software*], (4) a set top terminal identifier 928 [*terminal ID*] that includes a polling command/response (or P/F) bit 930, (5) an information field 932, and (6) a trailing flag 934 at the end of the message ...", Col. 21:36-46.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate HENDRICKS's teachings into the system of STAUNTON and SCHEIN. One would have been motivated to provide access functionality in order to ensure the integrity of the system.

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As to claims 9, 10 and 27, STAUNTON and SCHEIN disclose a system as in claims 1 and 2 above, and further STAUNTON discloses

a communication unit capable of establishing communication with outside via a communication network (abstract, paragraphs 0028-0029, 0051-0052

But STAUNTON does not expressly disclose

wherein the communication unit transmits the package information to an information server connected in such manner as to enable communication.

However, HENDRICKS discloses in FIGS. 6a and 6b a television data package. (Col. 21:36-46).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate HENDRICKS's teachings into the system of STAUNTON and SCHEIN. One would have been motivated to provide communication functionality in order to ensure efficiency of the system.

As to claims 11 and 28, STAUNTON and SCHEIN disclose a system as in claims 9 and 27 above, and further STAUNTON discloses:

a communication browser for receiving and displaying home page information accumulated in an information server connected in such manner as to enable communication

(STAUNTON teaches "In the proposed scheme of the invention, broadcasters send points (carried in an electromagnetic signal) to a TV receiver embedded in a video broadcast. The remote control device is provided with a user operable

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control for requesting and downloading these loyalty points and a memory for storing the points. In further broadcasts, the broadcaster may send interactive information directly to the remote control device..”, paragraph 0020. The Examiner notes that is inherent that STAUNTON’s solution comprises a communication browser);

a broadcast browser which receives data broadcast to display a data broadcast screen (paragraph 0023); and

a control unit which uses a broadcast browser to execute control and the common information memory and uses a communication browser to execute control for transmitting information to an information server connected in such manner as to enable communication (Fig. 1 and 2. Further, STAUNTON teaches STB technology that has a processor or CPU for storage data and control data, paragraph 0012).

But STAUNTON does not expressly disclose

wherein the communication unit transmits the package information to an information server connected in such manner as to enable communication.

However, HENDRICKS discloses in FIGS. 6a and 6b a television data package. (Col. 21:36-46).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate HENDRICKS’s teachings into the system of STAUNTON and SCHEIN. One would have been motivated to provide communication functionality in order to ensure data transportation.

As to claims 13 and 14, STAUNTON and SCHEIN disclose a system as in claim 9 above, and further STAUNTON teaches

package information in conformity to a format for addition of a package information header that is information for identifying the package information

(STAUNTON's solution comprises functionality to extract data from frames, packages, using XML and the appropriated DTD/schema, see at least paragraphs 0042-0048),

But STAUNTON does not expressly disclose

wherein the software program for obtaining package information by using the inherent information stores the inherent information in a package information main body and obtains the package information in conformity to a format for addition of a package information header that is information for identifying the package information, and

a package format memory unit for storing the format,

wherein the software program for obtaining package information by using the inherent information includes information of the format specified and is capable of writing the information in the package format memory unit.

However, HENDRICKS discloses in FIGS. 6a and 6b a television data package. The data package contains a header that is information for identifying the package information, (Col. 21:36-46).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate HENDRICKS's teachings into the system of

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STAUNTON and SCHEIN. One would have been motivated to provide data packages in order to conform to protocols of data transportation technology.

7. Claims 6-7 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US. PG. Pub. No. 2005/0110909 (STAUNTON) in view of PG. Pub. No. 2003/0208758 (SCHEIN), in view of US Patent No. 6,539,548 (HENDRICKS) and in view of PG. Pub. No. 2002/0129362 (CHANG).

As to claims 6, 7, 25 and 26, STAUNTON, SCHEIN and HENDRICKS disclose a system as in claims 5 and 24 above. **But** STAUNTON does not disclose wherein the inherent information includes authentication parameter used for the conditional access software, and wherein the authentication parameter includes secret key or public key.

However, CHANG discloses a digital set-top box comprising a programming functionality that is divided into packets, each packet bearing an identifier called a Packet ID (PID) that identifies the packet as containing a particular type of data (e.g. audio, video, data), paragraph 0028.

Further, CHANG discloses a set-top box (STB) that incorporates functionality for conditional access software (CAM) and authentication of the user and transactions carried out by the user as well as authorization of services and storage of authorized cryptography keys, paragraph 0031.

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Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate CHANG's teachings into the system of STAUNTON, SCHEIN and HENDRICKS. One would have been motivated to provide authentication services in order to ensure a reliable solution.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. VICTORIA VANDERHORST whose telephone number is (571)270-3604. The examiner can normally be reached on regular business hours from Monday through Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571 272 6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. V./

Examiner, Art Unit 3688

Sep 20/2010

/JOHN G. WEISS/

Supervisory Patent Examiner, Art Unit 3688